REMARKS

In view of the following remarks, reconsideration and further examination are respectfully requested.

I.   Telephone Interview

The Applicant would like to thank Examiner Sikri for granting and conducting a telephone interview on July 2, 2009 in connection with the above-identified application.

During the interview, the Examiner suggested amending the claims to clarify _when_ the conditions are changed (i.e., _when_ the first conditions are changed to the second conditions) and suggested amending the claims to clarify the relationship between the first conditions and the second conditions. Further, the Examiner suggested amending the independent claims to include limitations directed to measuring of a bandwidth of a classified flow, as recited in previously presented dependent claim 18. The Examiner indicated that, if such clarifications are made, then the Morehead and Pandya references will most likely be overcome.

II.   Amendments to the Claims

Based on the above-mentioned interview, independent claims 15 and 20 have been amended to clarify the limitations, as suggested by the Examiner. In addition, dependent claim 18 has been amended to remain consistent with amended independent claim 15.

8

III. 35 U.S.C. § 101 Rejection

Claims 15-19 were rejected under 35 U.S.C. § 101 for failing to recite statutory subject matter. Specifically, independent claim 15 was rejected for failing to tie the claimed method to a particular apparatus. Independent claim 15 has been amended to tie portions of the claimed method to a "memory." Therefore, it is respectfully submitted that independent claim 15 and claims 16-19 that depend therefrom are directed to statutory subject matter. As a result, withdrawal of this rejection is respectfully requested.

IV. 35 U.S.C. § 103(a) Rejections

Claims 15, 16, 18-20 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Terada et al. (U.S. 6,111,883), Morehead et al. (U.S. 2002/0077801) and Pandya et al. (U.S. 7,260,635). Further, claims 17 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Terada, Morehead, Pandya, Swales (U.S. 6,321,272) and Jacobi et al. (U.S. 6,996,818). These rejections are believed clearly inapplicable to claims 15-22 for the following reasons.

Independent claim 15 recites a method of controlling access of a terminal to a server, the method including permitting a transmission of packets <u>according to first condition</u>. In addition, claim 15 recites that <u>when the server acknowledges a connection between the server and the terminal in which the transmission of the packets is limited according to the first conditions</u> and <u>after permitting the transmission of the packets according to the first conditions</u>, changing the first conditions limiting the transmission of the packets by <u>generating second conditions from the</u>

9

first conditions. According to claim 15, the first conditions and the second conditions represent bandwidth limitations of transmissions of packets. Claim 15 also recites measuring, via a measuring unit of a repeater, a bandwidth of a classified flow, generating, via the measuring unit, a measured value based on the measured bandwidth, and storing the measured value within information stored in the storing unit defining the classified flow.

The above-mentioned rejection relies on paragraph [0011] of Morehead for teaching the changing of the conditions, as recited in claim 15. However, as discussed during the interview Morehead merely teaches firing an alarm when a parameter reaches an adjustable threshold (see paragraph [0011]).

Thus, in view of the above and as acknowledged by the Examiner during the interview, it is clear that Morehead teaches that an alarm is triggered when a value of a parameter reaches an adjustable threshold, but fails to disclose or suggest permitting a transmission of packets according to first condition, such that when the server acknowledges a connection between the server and the terminal in which the transmission of the packets is limited according to the first conditions and after permitting the transmission of the packets according to the first conditions, changing the first conditions limiting the transmission of the packets by generating second conditions (limiting the bandwidth of the transmission of the packets) from the first conditions, as required by claim 15.

Additionally, the above-mentioned rejection relies on Pandya for teaching features related to measuring a bandwidth of a classified flow, as now recited in claim 15. However, as discussed during the interview Pandya reference merely teaches that network bandwidth can be increased whenever a computer is accessed by a customer (see col. 8, lines 44-57).

10

Thus, in view of the above and as acknowledged by the Examiner during the interview, it is apparent that Pandya teaches that a bandwidth can be increased <u>when a computer is accessed</u> by a user, but fails to disclose or suggest measuring, via a measuring unit of a repeater, a bandwidth of a classified flow, generating, via the measuring unit, a measured value based on the measured bandwidth, and storing the measured value within information stored in the storing unit defining the classified flow, as required by claim 15.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 15 and claims 16-19 that depend therefrom would not have been obvious or result from any combination of Terada, Morehead and Pandya.

Amended independent claim 20 is directed to a server and recites features that correspond to the above-mentioned distinguishing features of independent claim 15. Thus, for the same reasons discussed above, it is respectfully submitted that independent claim 20 and claims 21 and 22 that depend therefrom are allowable over the prior art of record.

Regarding dependent claims 17 and 21, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Terada, Morehead, and Pandya in view of Swales and Jacobi, it is respectfully submitted that Swales and Jacobi do not disclose or suggest the above-discussed features of independent claims 15 and 20 which are lacking from the Terada, Morehead and Pandya references. Therefore, no obvious combination of Terada, Morehead and Pandya with Swales and Jacobi would result in, or otherwise render obvious, the invention recited independent claims 15 and 20 and claims 17 and 21 that depend therefrom.

V.   Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Satoshi ANDO et al.

/Andrew L. Dunlap/
2009.07.22 16:03:28 -04'00'
By:_____

Andrew L. Dunlap
Registration No. 60,554
Attorney for Applicants

ALD/led
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
July 22, 2009